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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,414	10/16/2001	Hajime Nishimoto	215052US2	3175

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EXAMINER	
RETTA, YEHDEGA	
ART UNIT	**PAPER NUMBER**
3622	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/977,414	NISHIMOTO, HAJIME	
	Examiner	Art Unit	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/16/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 6 and 11 recites the limitation "and said user's terminal reading out said identification information, and sending said application information and said identification information to said apparatus when the user enters the application information". The claim also recites, "receiving said application information and said identification information from said user's terminal. There is insufficient antecedent basis for this limitation in the claim.

Dependent claims are rejected since the claims depend on rejected claim.

Claim 2 recites, "receiving information representing the collected target users determined corresponding to said user information". The claim also recites "said step of sending the collected information includes the step of sending said collected information to the terminal of the user retrieved in said step of retrieving said user". There is no step of "sending the collected information" claimed. Claim 1 recites sending application information and identification information" and also the step of "sending the user information retrieved and application information. However there is no claimed step of "sending collected information". The claim also recites, "retrieving the users matching with said collection target users". The claim does not recite, "retrieving a user matching with. Therefore, there is insufficient antecedent basis for at least the following limitation in the claim.

"the collected target users"

"said collected information"

"said step of sending the collected information"

"said step of retrieving said user".

Proper correction is required.

The rejection of claim 2 also applies to claims 7, 12 since the same limitation is recited.

Claim 4 recites, "selecting a winner from the applicants based on said user information". There is insufficient antecedent basis for this limitation in the claim.

Applicant is reminded to revise all the claims for 112 second paragraph requirements.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites preparing identification information and user information corresponding to said identification information; receiving said application information and said identification information from said user's terminal. The claim recites preparing identification information corresponding to said identification information. It unclear what information is prepared correspond to the identification information; the same information can not be prepared based on the same information.

Claims 6 and 11 recite the same limitation therefore, the rejection of claim 1 as stated above applies.

Claim 2, recites receiving information representing the collected target users determined corresponding to said user information. It is unclear what kind of users, are considered "collected target users" and what kind of information is received.

The rejection also applies to claims 7, 12 since the same limitation is recited.

Claim 5 recites the terminal of the requester sending the user information to a shipping agent and the *agent cannot determine the personal information based on user information*. Further the claim recites the shipping agent making inquiry about the personal information and the method receiving the user information from the shipping agent and *sending the personal information to the shipping agent* ***so as to allow determination of the personal information***. It is unclear whether the shipping agent can determine or not determine the personal information of the winner. Again the claim indicates that the personal information is sent to the shipping agent therefor, there is no determination needed since the information is already received. It is unclear what the claimed invention is.

The rejection also applies to claims 10, 15 since the same limitation is recited.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-8 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Demello et al. (US 2001/0036224 A1).

Regarding claims 1, 6 and 11, Demello teaches preparing collection information (questions) and sending the information to users' terminals; said terminal storing identification information (see [0006]); sending application information and the identification information (see

[0010]); preparing information based on the identification information (see [0020]); retrieving stored user information based on the received identification information and sending the user information retrieved to requester terminal (see [0093]-[0102]).

Regarding claims 2, 3, 7, 8, 12 and 13, Demello teaches receiving information representing target users; retrieving the users matching target users and sending the collected information to the terminal of the user; said user information includes personal information representing a name and an address of the user; and sending user information to the requester in a manner preventing determining of said personal information by the requester (see [0099]-[0102], [0112].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 5, 9, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demello et al. as applied to claims 1, 6 and 11 above, and further in view of Malackowski et al. (US 5,752,186).

Regarding claims 4, 5, 9, 10, 14 and 15 Demello does not teach selecting a winner form the applicants based on user information, it is taught in Malackowski (see col. 3 lines 1-12, col. 4 lines 28-32, 60-65). Malackowski also teaches the user provided with sweepstake entry and provided with an opportunity to participate in survey for which the user may receive some compensation or award (see col. 3 lines 1-11). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to include the sweepstake or award of Malackoski in Demello's anonymous user profile. Awarding users or allowing users in sweepstake or lottery would motivate Demello's participants to provide personal information that is used in the profile so contents could be personalized as taught by Demello (see [0008] – [0010].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lingham (US 6,356,876) teaches providing prize award results.

Zellner et al. (US 7,085,555) teaches transmit a questionnaire to the mobile subscriber to request input from the MS regarding what type of advertisements or messages the subscriber would like to receive from the web advertiser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RETTA YEHDEGA
PRIMARY EXAMINER

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